

AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 751

Introduced by Assembly Member ~~Furutani~~ *Cedillo*

February 17, 2011

~~An act to amend, repeal, and add Sections 1240 and 42131 of the Education Code, relating to education finance. An act to repeal Section 100.4 of the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 751, as amended, ~~Furutani Cedillo. Education finance: fiscal oversight of local educational agencies. Freeway construction.~~

Existing law requires the Department of Transportation to enter into an agreement prior to any closure of a city street or county highway due to construction of a freeway with a city council or board of supervisors having jurisdiction. Existing law provides an exception to those provisions for a freeway segment within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority, if specified requirements have been met, including that an agreement with one or more counties and cities is not possible because an impasse has existed for 10 or more years after an initial route was adopted. Existing law requires the department to prepare an environmental impact report and establish an outreach program, as specified, for any freeway constructed pursuant to this exception.

This bill would repeal these provisions establishing an exception for a freeway segment to be constructed without an agreement within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority.

This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) Existing law requires the county superintendent of schools to submit 2 reports during the fiscal year to the county board of education on the financial condition of a county office of education, which certify if the county office of education is unable to meet its financial obligations for the current or 2 subsequent fiscal years or if a county office of education has a positive, qualified, or negative certification.~~

~~This bill, until July 1, 2015, would require the Superintendent of Public Instruction and the county superintendent to clearly distinguish between specified county offices of education as part of each of those reports, and any other report that indicated that a county office of education is assigned a qualified certification.~~

~~(2) Existing law requires the superintendent of each school district to submit 2 reports during the fiscal year to the governing board of the school district on the financial condition of the district. Pursuant to these reports, existing law requires the governing board of each school district to certify, in writing, within 45 days after the close of the period being reported, whether the school district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent fiscal year.~~

~~This bill, until July 1, 2015, would require the Superintendent, a county superintendent, and the governing board of a school district to clearly distinguish between specified school districts as part of each of those reports, and any other report that indicates that a school district is assigned a qualified certification.~~

~~The bill, until July 1, 2015, would also require the governing board of a school district that chooses to propose reductions or cuts to expenditures in the current fiscal year, after being assigned a qualified certification for a specified reason, to present that proposal, as specified, at an open public meeting. The bill, until July 1, 2015, would also authorize the Superintendent to waive specified reporting, certification, and intervention requirements for a county office of education and school district if specified conditions are met.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 100.4 of the Streets and Highways Code~~
2 ~~is repealed.~~

3 ~~100.4. Notwithstanding Section 100.2, the department may~~
4 ~~construct a freeway, without an agreement with a county or city,~~
5 ~~on the route determined by the commission, if all of the following~~
6 ~~conditions have been met:~~

7 ~~(a) The freeway is included within the California freeway and~~
8 ~~expressway system and a route has been adopted.~~

9 ~~(b) Construction has commenced, but has not been completed,~~
10 ~~leaving an existing gap between the constructed portions of the~~
11 ~~freeway.~~

12 ~~(c) In addition to the adopted route, there is at least one feasible~~
13 ~~alternative route as determined by the department.~~

14 ~~(d) A draft environmental impact report or statement has been~~
15 ~~prepared on the unconstructed portion of the freeway.~~

16 ~~(e) The affected freeway segment is within the jurisdiction of~~
17 ~~the Los Angeles County Metropolitan Transportation Authority.~~

18 ~~(f) An agreement with one or more counties and cities pursuant~~
19 ~~to Section 100.2 is not possible because an impasse, as evidenced~~
20 ~~by the lack of freeway agreements by all affected jurisdictions,~~
21 ~~has existed for 10 or more years after an initial route was adopted.~~

22 ~~(g) Under the conditions set forth in subdivisions (a) to (f),~~
23 ~~inclusive, the commission shall hold public hearings as it may~~
24 ~~deem necessary, review the draft or final environmental impact~~
25 ~~report or statement, and consider the recommendation and records~~
26 ~~of the authority and other documents as it may deem advisable.~~
27 ~~The commission shall take into consideration all the traditional~~
28 ~~factors of route selection by the state, including the question of~~
29 ~~least adverse economic and physical impact on the communities~~
30 ~~involved, but any previous selection by the commission or its~~
31 ~~predecessor shall not be considered binding.~~

32 ~~(h) The environmental impact report or statement shall examine~~
33 ~~the potential impacts of alternative route alignments on the~~
34 ~~communities involved. The definition and scope of these~~
35 ~~communities shall reflect the sense of community of residents~~
36 ~~within and immediately adjacent to the adopted route and alternate~~
37 ~~route location.~~

1 (i) ~~The department shall prepare a draft environmental impact~~
2 ~~report or statement. The commission may hold public hearings on~~
3 ~~the draft environmental impact report or statement as it deems~~
4 ~~necessary. The department shall prepare a final environmental~~
5 ~~impact report or statement after the completion of the public review~~
6 ~~period of the draft environmental impact report or statement. The~~
7 ~~commission shall select a route after the completion of the~~
8 ~~environmental impact report or statement.~~

9 (j) ~~If the route selected by the commission differs from a prior~~
10 ~~route adopted by the commission or a prior recommendation by~~
11 ~~the authority, the commission shall set forth, as a part of its decision~~
12 ~~statement, the reasons for the route selected.~~

13 (k) ~~For any freeway constructed pursuant to this section, the~~
14 ~~department shall establish an outreach program to maximize the~~
15 ~~participation of businesses and professionals from within the county~~
16 ~~in which the freeway segment is located in the construction of the~~
17 ~~freeway segment.~~

18 (l) ~~As used in this section, “authority” means the Los Angeles~~
19 ~~County Metropolitan Transportation Authority, or its predecessor,~~
20 ~~the Los Angeles County Transportation Commission.~~

21 *SEC. 2. This act is an urgency statute necessary for the*
22 *immediate preservation of the public peace, health, or safety within*
23 *the meaning of Article IV of the Constitution and shall go into*
24 *immediate effect. The facts constituting the necessity are:*

25 *In order to repeal certain requirements relating to freeway*
26 *construction and facilitate other opportunities as quickly as*
27 *possible, it is necessary that this act take effect immediately.*

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30 **All matter deleted in this version of the bill**
31 **appears in the bill as amended in the**
32 **Senate, June 28, 2011. (JR11)**
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